

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARLON PENDLETON,

Plaintiff,

v.

PAMELA FISH, et al.

Defendants.

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Case No. 07 CV 6648

Judge James B. Zagel

Magistrate Judge Morton Denlow

AMENDED AFFIRMATIVE DEFENSES

AFFIRMATIVE DEFENSE I

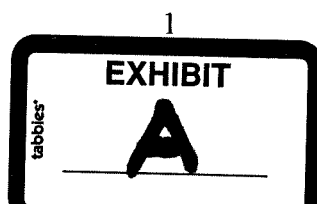
Fish acted solely in her capacity as an employee of the Chicago Police Department Crime Lab and the City of Chicago while processing any evidence relating to Plaintiff's criminal case. Therefore, she is entitled to any and all immunities provided to her under the Illinois Tort Immunity Act. 745 ILCS 10/2-201, et seq., 745 ILCS 10/4-102.

AFFIRMATIVE DEFENSE II

Fish did not violate any clearly established constitutional rights of which a reasonable person would have known. Therefore she is entitled to qualified immunity.

AFFIRMATIVE DEFENSE III

Fish, as an as an employee of the Chicago Police Department Crime Lab and the City of Chicago, processed the evidence relating to Plaintiff's case in a reasonable, diligent manner that was consistent with crime lab procedures and technology available to her in 1994.



AFFIRMATIVE DEFENSE IV

Some or all of Plaintiff's claims are barred in whole or in part by the applicable statute(s) of limitations.

AFFIRMATIVE DEFENSE V

Plaintiff fails to state a claim upon which relief can be granted.

AFFIRMATIVE DEFENSE VI

Fish is entitled to absolute immunity to all of the alleged claims asserted against her in the Complaint.

DEFENDANT DEMANDS A TRIAL BY JURY ON ALL CLAIMS AND DEFENSES.

Respectfully Submitted,

KULWIN, MASCIOPINTO & KULWIN, LLP.

By: /s/ Shelly B. Kulwin

Shelly B. Kulwin
Anthony J. Masciopinto
Jeffrey R. Kulwin
Kristine Chung
KULWIN, MASCIOPINTO & KULWIN, LLP
161 North Clark Street, Suite 2500
Chicago, IL 60601
(312) 641-0300